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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00107-KJD-PAL

8 Plaintiff,

9 v.

ORDER

10 RICHARD LEE CANTERBURY,

(Mot. Appoint Counsel – ECF No. 140;
IFP App. – ECF No. 151)

11 Defendant.

12 This matter is before the court on the Defendant Richard Lee Canterbury's Motion for
13 Appointment of Counsel (ECF No. 140) and Application to Proceed *In Forma Pauperis* (ECF
14 No. 151). The motion and application are referred to the undersigned pursuant to 18 U.S.C.
15 § 3006A, 28 U.S.C. § 636(b)(3), and LR IB 1-7 of the Local Rules of Practice.

16 Mr. Canterbury filed a motion for appointment of counsel on August 24, 2018, asking this
17 court to appoint an appellate attorney. Canterbury's trial counsel also filed a motion before the
18 Ninth Circuit requesting that he be relieved as counsel of record, which was granted. Order (ECF
19 Nos. 145, 147). Appellate counsel was formally appointed in an Order (ECF No. 148) entered
20 September 12, 2018. As such, Mr. Canterbury's motion is now moot.

21 In the District of Nevada, no filing fee is required when a defendant-petitioner submits a
22 motion to vacate sentence pursuant to 28 U.S.C. § 2255. However, indigent prisoners who do not
23 have the money to pay certain fees and costs associated with a § 2255 motion may request
24 permission to proceed *in forma pauperis* ("IFP").¹ Pursuant to 28 U.S.C. § 1915 and LSR 1-1 of
25 the Local Rules of Practice, any person who is unable to prepay the fees in a civil case may apply
26 for IFP status. A prisoner's IFP application must be submitted on the form provided by the court
27 and include a financial affidavit disclosing the applicant's income, assets, expenses, and liabilities.

28 ¹ *In forma pauperis* is a Latin term that means without prepaying fees and costs.

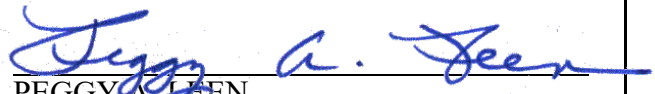
1 LSR 1-1. The IFP application must include a certificate signed by an authorized prison officer
2 stating the amount of funds currently held in the prisoner's trust account. LSR 1-2. The certificate
3 must also show the net deposits in that account for the six (6) months prior to the prisoner
4 submitting the IFP application or, if the prisoner has been at the facility less than six (6) months,
5 the account's activity for that period. *Id.*

6 Accordingly,

7 **IT IS ORDERED:**

- 8 1. Defendant Richard Lee Canterbury's Motion for Appointment of Counsel (ECF
9 No. 140) is **DENIED as moot.**
- 10 2. Defendant Richard Lee Canterbury's Application to Proceed *In Forma Pauperis* (ECF
11 No. 151) is **GRANTED.**
- 12 3. Defendant is permitted to maintain this action to conclusion without prepaying any
13 additional fees or costs or giving security therefor. This Order granting leave to
14 proceed *in forma pauperis* does not extend to the issuance and/or service of subpoenas
15 at government expense.

16 Dated this 20th day of September, 2018.

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19 PEGGY A. LEEN
20 UNITED STATES MAGISTRATE JUDGE
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